

MU COMMITTEE VERSION 1: PROPOSED AMENDMENTS TO CLARK COUNTY CODE

40.230.020 MIXED USE DISTRICT (MX)

- A. Purpose. The Mixed Use (MX) district requires mixed use developments to provide the community with a mix of mutually-supporting retail, service, office and medium or high density residential uses. It promotes cohesive site planning and design which integrates and interconnects two or more land uses into a development that is mutually supportive. It also encourages development of a higher-density, active, urban environment than generally found in a suburban community, and which is further expected to:
1. Achieve the goals and objectives of the community framework plan and the comprehensive plan;
 2. Fulfill the community vision identified through the Visual Preference Survey TM as incorporated in the county's comprehensive plan and other opportunities for public involvement;
 3. Enhance livability, environmental quality and economic vitality;
 4. Accommodate and respect surrounding land uses by providing a gradual transition into lower density neighborhoods that may encircle a potential mixed-use site.
 5. Maximize efficient use of public facilities and services;
 6. Provide a variety of housing types and densities;
 7. Reduce the number of automobile trips and encourage alternative modes of transportation; and
 8. Create a safe, attractive and convenient environment for living, working, recreating and traveling.
- B. Applicability.
1. General. The provisions of this section may be applied to parcels designated mixed use on the zoning map.
 2. Interpretation. If the requirements of the mixed use district conflict with other regulations, the more stringent of the two shall apply.
 3. Section 40.520.080 (planned unit development) is not applicable to development applications that are exempt from the Master Plan process in Section 40.230.020 (G) in the mixed use district where the county finds that the proposed mixed use project is superior at meeting the purpose of the mixed use zoning designation than would otherwise be developed under the mixed use code standards.
- C. Definitions. For the purposes of this section, the following definitions shall apply:
1. "Mixed-use development" shall mean a group of densely-configured structures planned and developed as a single entity and containing within and/or among them a variety of complementary, integrated, and/or mutually supporting uses (such as housing, offices, manufacturing, retail, public service or entertainment). The group as a whole must achieve connectivity, and physical and functional integration and meet the minimum standards of this chapter.
 2. "Mixed-use structure" shall mean a single structure containing at least two (2) complementary, integrated, and/or mutually supporting uses (such as housing, offices, retail, public service or entertainment). The structure must achieve physical and functional integration within itself and meet the minimum standards of this chapter.
 3. "Master plan" shall mean a comprehensive, long-range site plan for a development project. The project may be located on a single parcel or on several contiguous parcels which are owned by one (1) or more parties and is usually implemented in phases.
- D. Uses.
1. Those uses which are permitted or conditional in the MX (mixed use) district are shown in Table 40.230.010-1. Residential uses are permitted so long as the minimum required densities of this chapter are met.

2. Required mix of uses.
 - a. A mix of uses, either within a single building or on a development site, must be provided, except as noted in subsection (b) of this section. Residential floor area must be provided. A minimum of twenty percent (20%) of the development shall be non-residential and a minimum of thirty percent (30%) of the development shall be residential. This percentage shall be calculated in the square feet of gross floor area devoted to each type of use. In addition the minimum densities in Section 40.230.020(E) below are required.
 - b. Projects located on existing lots of record created prior to January 1, 2004 of one acre or less may develop with no required mix of uses. They are required to meet the minimum density of whichever use is proposed.
3. The uses set out in Table 40.230.020-1 are examples of uses allowable in the mixed use district. The appropriate review authority is mandatory.

“P” Uses allowed subject to approval of applicable permits.

“R/A” Uses permitted upon Review and Approval as set forth in Section 40.520.020.

“C” Conditional uses which may be permitted subject to the approval of a Conditional Use Permit as set forth in Section 40.520.030.

“X” Uses specifically prohibited.

Where there are special use standards of restrictions for a listed use, the applicable code section(s) in Special Uses (Chapter 40.260) or other applicable chapter are noted in the “Special Standards” column.

Table 40.230.020-1. Uses		
	MX	Special Standards
1. Residential uses.		
a. Medium density (Integrated multi-family,/commercial or mixed use structures, single family, duplex, townhouse, or apartment, from 12 to no more than 22 residential units per acre)	P	40.230.020(D)(2), 40.230.020(E)(1)b 40.260.150
b. High density (Integrated multifamily/commercial or mixed use structure not to exceed 43 residential units per acre.)	P	40.260.150
c. Existing residences without any increase in density	P	
d. Home occupations	P	40.260.100
e. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	40.260.050
f. Bed and breakfast establishments (3 or more guest bedrooms)	C	40.260.050
2. Retail Sales—Food.		
a. Markets not to exceed 35,000 square feet gross floor area	P	
b. Markets— < 5,000 square feet of gross floor area	P	
c. Bakery--primarily retail outlet (< 10,000 square feet of gross floor area)	P	
3. Retail Sales—General.		
a. General retailer -- (100,001--200,000 square feet gross floor area)	X	
b. General retailer-- < 10 acre development (25,000—50,000 square feet gross floor area)	P	
c. General retailer—10 acre or greater development (50,001---100,000 square feet of gross floor area)	P	
d. General retailer (under 25,000 square feet gross floor area)	P	
e. Single purpose/specialty retailers (less than 10,000 square feet gross floor area)	P	
f. Single purpose/specialty retailers (10,000--25,000 square feet gross floor area)	P	

Table 40.230.020-1. Uses		
	MX	Special Standards
g. Single purpose/specialty retailers (greater than 25,000 square feet gross floor area)	C	
h. Yard and garden supplies, including nurseries	P	
4. Retail Sales—Restaurants, Drinking Places.		
a. Restaurants, with associated drinking places, alcoholic beverages	P	
b. Drinking places, alcoholic beverages (with or without entertainment)	C	
5. Retail Sales and Services—Automotive and Related.		
a. Commercial off-street parking facilities	P	
j. Transportation terminals--People.	P	
6. Retail Sales—Building Material and Farm Equipment.		
a. Hardware, home repair and supply stores (25,000 to 100,000 square feet gross floor area)	C	
b. Hardware, home repair and supply stores (under 25,000 square feet gross floor area)	P	
7. Retail Sales—Products (Finished product retailers with primary fabrication or assembly on site. Within an entirely enclosed building.)		
a. Uses of < 5,000 square feet gross floor area	P	
b. Uses of 5,000--25,000 square feet gross floor area	R/A	
8. Services—Personal.		
a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services	P	
b. Barber and beauty shops	P	
c. Clothing rental establishments	P	
9. Services—General.		
a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (<2,500 square feet gross floor area)	P	
b. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (>2,500 square feet gross floor area)	P	
c. Office equipment and home appliance rental, service and repair agencies	P	
d. Printing, publishing and lithographic shops	P	
e. Services to buildings (including dwellings), cleaning and exterminating	C	
f. Branch banks	P	
g. Event facilities (<10,000 square feet gross floor area)	P	
h. Event facilities (10,000 to 50,000 square feet gross floor area)	C	
10. Services—Lodging Places.		
a. Hotels/motels	C	
11. Services—Medical and Health.		
a. Outpatient clinics	P	
b. Medical laboratories	C	
c. Sanitaria, convalescent and rest homes	C	
d. Orthopedic equipment and supplies, rental, sales and services	P	
e. Animal hospitals and veterinary clinics.		
(1) Outside animal activities	C	
(2) Inside animal activities only	P	
f. Ambulance services	P	
g. Residential care homes	C	
h. Residential and congregate care facilities	C	
12. Services—Professional Office.		

Table 40.230.020-1. Uses		
	MX	Special Standards
a. Professional offices (<10,000 square feet gross floor area)	P	
b. Professional offices (>10,000 square feet gross floor area)	C	
c. Artists/photographic studios	P	
13. Services—Amusement.		
a. Bowling alleys, billiard and pool parlors, and video arcades	C	
b. Skating rinks, ice and/or roller	C	
c. Theaters, indoor	C	
d. Athletic, health and racket clubs (< 5,000 square feet of gross floor area)	P	
e. Athletic, health and racket clubs (< 10,000 and > 5,000 square feet of gross floor area)	P	
f. Athletic, health and racket clubs (> 10,000 square feet of gross floor area)	C	
h. Circuses, carnivals, or amusement rides	R/A	40.260.060
14. Services—Educational.		
a. Nursery schools, preschools	P	40.260.160
b. Day care facilities consistent with Chapter 388.73 of the Washington Administrative Code	P	40.260.160
c. Libraries (<2,500 square feet gross floor area)	P	
d. Libraries (>2,500 square feet gross floor area)	P	
e. Vocational schools	C	
f. Artistic studios and schools including but not limited to dance, music and martial arts (<5,000 square feet)	P	
g. Artistic studios and schools including but not limited to dance, music and martial arts (>5,000 square feet)	P	
h. Public parks, parkways, recreation facilities, trails and related facilities	P	
15. Services--Membership Organizations.		
a. Business, professional and religious (not including churches)	P	
b. Civic, social, fraternal, charitable, labor and political (less than 5,000 square feet)	P	
c. Civic, social, fraternal, charitable, labor and political (greater than 5,000 square feet)	P	
d. Churches	C	
16. Public Services and Facilities.		
a. Buildings entirely dedicated to public services, such as city hall, police and fire substations	C	
b. Educational institutions	C	
c. Sewer, water and utility transmission lines	P	40.260.240
d. Wireless communications facilities	P/C	40.260.250
e. Zoos, museums, historic and cultural exhibits and the like	C	
f. U.S. Post Offices	P	
g. Public transit facilities including park and ride facilities	P	
17. Resource Activities.		
a. Agriculture	P	40.260.040
b. Silviculture	P	40.260.080
18. Accessory Uses and Activities.		
a. On-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW 70.105.210).	P	
b. Drive-through, drive-in or drive-up facilities	R/A	

Table 40.230.020-1. Uses		
	MX	Special Standards
c. Open Air Activities		
(1) Open air display of plants and produce is permitted in conjunction with a permitted use ²	P	
(2) Open air work activities such as restaurants, portable walk-up vendors (not including drive-through facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title ⁴	P	
(3) Open air storage of one operable company vehicle per business, such as a car and light duty truck, in conjunction with a permitted use	P	
19. Other Uses		
a. Temporary uses	P	40.260.220
b. Private use heliports	C	40.260.170
c. Solid waste handling and disposal sites	C	40.260.200

E. Development standards. Standards for development in the mixed use district are intended to achieve a human-scale, pedestrian- and transit-oriented environment.

1. Densities.

a. Commercial.

- (1) A minimum floor area ratio (FAR) of 0.3:1 or a total of 0.3 square feet gross area per one (1) square foot of site area is required.
- (2) The maximum floor area ratio (FAR) shall be three to one (3:1) or three (3) square feet gross floor area per one (1) square foot of site area.

b. Residential.

- (1) A minimum average density of twelve (12) dwelling units per gross acre is required. This shall be calculated by averaging the densities of all of the different types of housing provided within the development.
- (2) Minimum average density of ten (10) dwelling units per gross acre is required for residential developments reviewed under the provisions of Section 40.230.020(D)(2)(b).
- (3) The maximum average density shall be an average of forty-three (43) dwelling units per gross acre of the development site. This is calculated by averaging the densities of all of the different types of housing provided within the development.

2. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for sites, lots and building height, and setbacks in Tables 40.230.020-2 and 40.230.020-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

Table 40.230.020-2. Lot Requirements

Zoning District	Lot Area (sq. ft.)		Lot Width (feet)		Lot Depth (feet)	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
MX	2,500	None	20	None	90	None

Table 40.230.020-3. Setbacks, Lot Coverage and Building Height

Setbacks				Maximum Lot Coverage	Minimum and Maximum Building Height (feet)
Setback	Additional Setback based on Proposed Building Height	Minimum	Maximum (from Street Frontage)		
Front	NA	10	35	85%	10 – 72 ²
Side	NA	10	35		
Rear	NA	10	35		
Non-Residential development which abuts a single-family residential district shall also be required to meet the following setbacks from the side or rear lot line of a residential lot in addition to those above:					
Rear and Side	Proposed building height: 15 feet or less	5	NA		
	Proposed building height: 16 to 30 feet	8	NA		
	Proposed building height: 31 to 45 feet	11	NA		
	Proposed building height: 46 feet or more	14	NA		

¹ *Maximum Setback Requirements. The maximum setback of a building from the street frontage shall be thirty-five (35) feet.*

² *All ground floor units shall have a minimum structural ceiling height of ten (10) feet and the maximum building height shall be seventy-two (72) feet. Maximum building height does not include buildings or structures such as steeples, chimneys, flagpoles, electronic aerial, cupolas, or other features such as roof gardens, mechanical equipment, or solar panels.*

3. Landscaping and Open Storage.

a. Landscaping.

- (1) At least fifteen percent (15%) of the square footage of the site must be landscaped.
- (2) All mixed-use developments shall meet the landscaping requirements set forth in Chapter 40.320, Landscaping and Screening.
- (3) Street trees shall be planted on all street frontages and within all median planting strips within the mixed use zoning district. In addition, street trees shall be placed a minimum of two (2) feet from the curb.
- (4) Only under the following conditions may freestanding walls, fences and hedges be permitted along public streets or sidewalks:
 - (a) The maximum height of any solid wall, fence, or hedge shall be four (4) feet, unless a solid masonry or concrete wall higher than four (4) feet is required to mitigate significant noise impacts.
 - (b) The maximum height of any decorative wall, fence, or hedge which allows visibility, such as wrought iron and split rail fences, shall be six (6) feet.
 - (c) Barbed wire, razor wire, electric and other dangerous fences are prohibited.

- b. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks and vans within parking lots shall not be construed to be open storage.
- 4. Conversion of Existing Structures. An existing residential structure may not be converted to a commercial or office use unless consistent with this chapter.
- 5. Off-street parking. Off-street parking shall be provided at a rate required for the use per Chapter 40.340. Shared or joint use of parking areas shall be permitted in accordance with Section 40.340.010(A)(5).
- 6. Outdoor Business Activities. Outdoor business activities are permitted in the public right-of-way only if additional public sidewalk is provided greater than the required width. No business activities are allowed within the minimum required width.
- 7. Signs. The requirements of Chapter 40.310 applicable to the multifamily districts must be met.
- 8. Parking and Loading. Off-street parking shall be provided in accordance with Chapter 40.340 with the following stipulations:
 - a. Shared parking between and among uses is encouraged, and shall be permitted in accordance with Section 40.340.010(A)(5).
 - b. Parking shall not be provided between the right-of-way and any building facade.
 - c. Parking lot landscaping shall be provided in accordance with Chapter 40.320. Landscaping shall not be required for parking structures; neither shall it be prohibited.
 - d. The ground floor of parking structures should incorporate retail uses.
- 9. Building Orientation. The primary building entrance shall be oriented to the major street on which the building has frontage, a street corner, plaza, park, or other buildings on the site, but not to interior blocks or parking lots. The building may have other entrances as long as direct pedestrian access is provided to all entrances.
- 10. Pedestrian Access.
 - a. An on-site pedestrian circulation system that links the street and the primary entrance(s) of all the structure(s) on the site shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjoining developments if adequate safety and security can be maintained. Convenient delineated pedestrian access to transit stops shall be provided.
 - b. Sidewalks shall be required and constructed according to the county's road standards. The circulation system must be developed in accordance with Section 40.350.010.
 - c. Where the system crosses driveways, parking areas and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the reviewing authority. Striping may be permitted only in conjunction with at least one (1) of the preceding methods.
 - d. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets.
 - e. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets. Parking lot fixtures over 15 feet in height shall be fitted with a full cut-off shield.
- 11. Building Facades.
 - a. Blank walls are not permitted on any street frontage, including walls facing controlled access highways and freeways.
 - b. An unbroken series of garage doors is not permitted on any street frontage, including walls facing controlled access highways and freeways.
 - c. At least fifty percent (50%) of the ground level wall area (total width by nine (9) feet above grade) of any new or reconstructed building facing a public street or pedestrian way shall be devoted to interest-creating features such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office or lobby spaces.
 - d. Single and multifamily dwellings must be designed so that the front door entrance of each dwelling is closer to the street than the garage door. Garages may also be sited in the

following ways: (1) in the rear and accessed from an alley; (2) in the rear and accessed from a side drive; or (3) on the side and accessed from a side drive.

- e. The building façade requirements above will not apply where they are in conflict with the design or character of architecture of existing buildings on the National Register of Historic Places Buildings or Structures, or listed on the Washington State Register of Historical Sites and Buildings, or the Clark County Heritage Register, or designated by the Clark County Historic Preservation Commission or the board as a building site or structure of historical, architectural or cultural significance or merit, or as a historical or architectural landmark.
- 12. Adjustments to development standards. The following development standards may be adjusted as indicated through the master planning process:
 - a. The minimum front, rear and side setbacks may be reduced to as little as ten (10) feet.
 - b. The special maximum setback of thirty-five (35) feet provided in Table 40.230.020-3 may be increased by up to ten percent (10%).

F. Incentives. A reduction of the TIF may be granted pursuant to this section with the implementation and maintenance of the corresponding action in Table 40.230.020-4 on approval of the responsible official.

Table 40.230.020-4. Incentives	
Action	TIF Reduction
Construction of direct walkway connection to the nearest arterial	1%
Installation of on-site sheltered bus-stop (with current or planned service) or bus stop within ¼ mile of site with adequate walkways if approved by C-TRAN	1%
Installation of bike lockers	1%
Connection to existing or future regional bike trail	1%
Direct walk/bikeway connection to destination activity (such as a commercial/retail facility, park, school, etc.) if residential development, or to origin activity (such as a residential area) if commercial/retail facility	1% if existing 2% if constructed
Installation of parking spaces which will become paid parking (by resident or employee) ¹	3%
Installation of preferential carpool/vanpool parking facilities ¹	1%
Total if all strategies were implemented	10%
¹ Automatic reduction for developing within the mixed use district.	

G. Master planning. Any development greater than five (5) acres in size with two (2) or more building pads totaling one hundred fifty thousand (150,000) square feet shall meet the requirements of the master planning section of this title. The applicant shall be required to submit a master development plan which must be approved by the review authority. The master development plan shall consist of both a concept plan which shows the location and distribution of land uses and related facilities and a development plan which deals with site specific issues such as, but not limited to auto, bicycle and pedestrian circulation, landscaping, parking, open space and utilities.

- 1. Intent. The purpose of the master development plan is to:
 - a. Assure that the proposed development is considered as a whole and conforms to the comprehensive plan and the requirements of this title. The master plan may serve to allow flexibility of uses and development standards where the county finds that the proposed mixed use project is superior at meeting the purpose of the mixed use zoning designation than would otherwise be developed under the mixed use code standards. Any other reviews needed for the development review process, such as conditional uses, plan amendments or zone changes may be considered at the same time as the master plan; and,
 - b. Assure that phased development is properly coordinated.
 - c. A master plan may also serve to allow phasing of projects and flexibility of uses. Master plans shall be reviewed through a Type III procedure.

2. Components of a Master Development Plan. The applicant must submit a master plan with the following components. The review authority may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.
 - a. Boundaries of the Site. The master plan must show the current and potential future boundaries of the site for the duration of the master plan.
 - b. General Statement. The master plan must include a narrative that addresses a description in general terms of the proposed uses and site as well as expansion plans for the duration of the master plan.
 - c. Uses and Functions. The master plan must include a description of present uses, affiliated uses, proposed uses and potential future uses. The description must include information about the general amount and type of functions of the use, the hours of operation and the approximate number of members, employees, visitors and special events. For projects which include residential units, proposed minimum and maximum floor areas and densities, number of units and building heights must be indicated. For office/commercial projects or mixed use, minimum and maximum floor area ratios must be indicated.
 - d. Design Element. The master plan must include a design element which shows the specific design components of the development that create the overall sense of physical and aesthetic integration and connectivity. In addition to the design features required in the site plan, architectural features, building materials and colors, any unique building or site orientation or relationships between buildings and/or uses intended to create or enhance integration should be shown. A statement of how the project design is consistent with the “purpose” of the MX district shall be provided as a part of the design element.
 - e. Site Plan. The master plan must include a site plan, showing, at the appropriate level of detail, buildings and other structures, existing mature trees and landscaping, the pedestrian, bicycle and vehicle circulation system, parking areas, open areas, and other required items. This information must cover the following:
 - (1) All existing improvements that will remain after development of the proposed use(s);
 - (2) All improvements planned in conjunction with the proposed use(s);
 - (3) Conceptual plans for potential future uses; and,
 - (4) General locations of usable open space, any land proposed to be dedicated for open space, pedestrian and transit connection between the site and public or private streets serving the development and connecting to off-site open space, internal circulation (both auto and pedestrian), and location of proposed gates and fencing.
 - f. Development Standards. The applicant may propose standards that will control development of the future uses that are in addition to, or provide controls that meet the intent of the requirements of this title. These may be such things as height limits, setbacks, frontage, FAR limits, landscaping requirements, parking requirements, signage, view corridors or façade treatment.
 - g. Phasing of Development. The master plan must include the proposed development phases, probable sequence of future phases, estimated dates and interim uses of the property awaiting development. In addition, the plan should address any proposed temporary uses or locations of uses during construction periods.
 - h. Transportation and Parking. The master plan must include information on the following items for each phase:
 - (1) Projected Transportation. A transportation impact study shall be required in conformance with Section 40.3350.030(B)(1).
 - (2) Parking Impacts. This information includes: projected peak-hour parking demand, an analysis of this demand compared to proposed on-site and off-site parking supply, potential impacts to the on-street parking system and adjacent land uses and mitigation measures.
3. Procedures.
 - a. Master plan pre-application meetings are required pursuant to Chapter 40.510 prior to commencing a detailed conceptual master plan. for the proposed use and a conceptual plan for potential future uses or phases.

- b. The master plan review shall be processed in accordance with the procedures of a Type III land use review pursuant to Section 40.510.030.
- c. A site plan review pre-application conferences is required prior to submission of a site plan review approval application for any subsequent phase that is not in conformance with the approved master plan.
- d. Any approved master plan shall be given priority, based upon adopted standards for expedited site plan review. The standards for such expedited site plan review shall be established by the responsible official.
- e. Any modifications, additions or changes to an approved master plan are subject to the following:
 - (1) Minor changes as defined in this title shall be reviewed and a determination made by the responsible official.
 - (2) Major changes shall be subject to the original procedural application type, subject to fees in effect at the time of the change request application.
- f. Projects approved as part of a master plan do not require an additional public hearing on a project specific basis so long as the original master plan is followed.

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